

Date

Mr. William H. "Wick" Cooper, III
Deputy General Counsel
Legal Section
Louisiana Department of Transportation and Development
P.O. Box 94245
Baton Rouge, Louisiana 70804-94245

Re: Ethics Board Docket No. 2021-363

Dear Mr. Cooper:

The Louisiana Board of Ethics, at its July 9, 2021 meeting, considered your request regarding whether members of the Mississippi River Parkway Commission are required to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1.

FACTS PROVIDED

The Mississippi River Parkway Commission was created pursuant to La. R.S. 48:101. Louisiana is one of 10 states involved in a compact to promote tourism along the Mississippi River. However, at this time this Commission is inactive and has no budgetary authority.

LAWS

La. R.S. 42:1124.2.1 requires financial disclosure for each member and designee of a board or commission which has the authority to expend, disburse or invest \$10,000 or more of funds in a fiscal year on or before May 15th of each year during which the person holds office and the year following termination of the holding of such office.

La. R.S. 42:1124.2.1(D)(1)(a) defines a board or commission as (I) each board, commission, and like entity created by law or executive order that is made a part of the executive branch of state government by the provisions of Title 36 of the Louisiana Revised Statutes of 1950, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order, or that exercises any authority or performs any function of the executive branch of state government; (ii) each board, commission, and like entity created by the constitution, by law, by a political subdivision, except as provided in Subparagraph (b) of this Paragraph, or jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or of a local government.

CONCLUSION

The Board concluded, and instructed me to inform you, that the members of the Mississippi River Parkway Commission are **not** required to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1 at this time. Although the Mississippi River Parkway Commission is a board or commission as defined by La. R.S. 42:1124.2.1, the Commission does not meet the \$10,000 threshold for spending, expenditures or disbursements set forth in La. R.S. 42:1124.2.1. However, the Board concluded, and instructed me to inform you, that the Mississippi River Parkway Commission may want to request an advisory opinion in the future if the Commission receives future budgetary authority.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct, and that the Board's expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker
For the Board

This is a draft opinion and it is NOT an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only and are subject to change or revision at the meeting of the Board of Ethics. This matter is confidential.